

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BAHER AZMY, :
 :
 : Plaintiff, :
 :
 : - v. - :
 :
 : DEPARTMENT OF DEFENSE, :
 :
 : Defendant. :
-----X

ECF CASE
06 Civ. 15340 (JSR)
STIPULATION AND ORDER OF
SETTLEMENT AND DISMISSAL

WHEREAS, plaintiff Baher Azmy, a professor at Seton Hall Law ("plaintiff"), filed the complaint in this action in the United States District Court for the Southern District of New York ("District Court") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, seeking the release of certain information by defendant the United States Department of Defense ("DOD"); and

WHEREAS, the District Court entered a Scheduling Order in this action on January 26, 2007; and

WHEREAS, DOD subsequently released certain information responsive to plaintiff's FOIA request, but withheld other information; and

WHEREAS, DOD subsequently filed a motion for summary judgment with regard to its withholdings under FOIA; and

WHEREAS, the District Court issued an Opinion and Order, dated June 22, 2008, granting DOD's motion for summary judgment except with respect to certain withholdings on four

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pages (the "Identified Withholdings"), and providing DOD with an opportunity to demonstrate why the Identified Withholdings should not be released; and

WHEREAS, on June 26, 2008, DOD released the Identified Withholdings to plaintiff; and

WHEREAS, judgment was entered on July 9, 2008; and

WHEREAS, plaintiff did not file an appeal of the District Court's judgment,

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

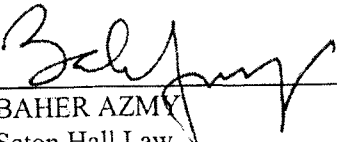
1. DOD shall pay to Seton Hall Law the sum of \$4,500.00 (FOUR THOUSAND FIVE HUNDRED DOLLARS), pursuant to 5 U.S.C. § 552(a)(4)(E), which sum plaintiff agrees to accept as full payment of any attorneys' fees and costs plaintiff has incurred or will incur in this action for services performed up to the date of this stipulation and order.

2. Nothing in this stipulation and order shall constitute an admission on the part of DOD and/or the United States that DOD's initial decision not to release the Identified Withholdings or any other withholdings lacked a reasonable basis.

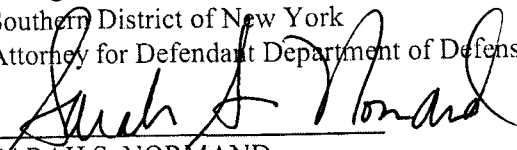
3. This action is hereby dismissed with prejudice.

4. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.


DATED: New York, New York
January __, 2009

By: 
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DATED: New York, New York
January 2, 2009

LEV L. DASSIN
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Southern District of New York
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SO ORDERED:


HON. JED S. RAKOFF
United States District Judge